

REMARKS

Applicant thanks the Examiner for the careful consideration given the application.

In claims 5 and 19, which have been maintained in amended form, the wording "preferably" has been removed, so that the Examiner's indefiniteness objection is met.

The Examiner has rejected claims 1-4, 7, 21, 22 and 26 as anticipated by or obvious over Watkins et al '184. All these claims except claim 7 have been cancelled. Claim 7 has been brought in independent form by including all the features of claim 1 and amended as follows to better distinguish the claimed catheter pump from the device according to Watkins et al '184 (added wording underlined, removed wording stricken through):

"...which channel is adapted for providing continuous fully open communication of said displacement structure ~~with~~ via said inlet passage..."

Thus, claim 7 now requires the displacement structure to be in continuous fully open communication via the inlet passage. In contrast, according to Watkins et al '184, the inlet passage 54 is partially closed by a valve 56 when the blood is pumped out of the catheter, to push blood out via the outlet opening 55 while allowing only a portion of the blood to flow out of the catheter via the inlet passage. Accordingly, Watkins et al. '184 lacks the feature that the displacement structure is in continuous fully open communication via the inlet passage, so that the rejection on the basis that claim 1 is anticipated is obviated.

Furthermore, the purpose of the valve 56 is to pump blood from one side of the membrane 52 to the other side of the membrane 52. Allowing the displacement structure to be in continuous fully open communication via the inlet passage would clearly be counterproductive for this purpose. Therefore, lacking the insight that a catheter pump may be advantageously used for creating blood pressure pulsations in the aorta, even in the absence of the effect of pumping blood predominantly from one section of the catheter to another section of the catheter, the skilled person would not be motivated to provide that the displacement structure is in continuous fully open communication via the inlet passage. Therefore, claim 7 as amended is also not obvious over Watkins et al. '184.

Of the other claims, claims 5, 6, 7, 9, 11, 12, 18, 19 and 23 have been rewritten in independent form including all of the limitations of the base claim and any intervening claim, in accordance with the observations in parts 4. and 5. of the Office Action. Claim 20 has been made dependent from claim 19.

Finally, certain errors have been noted in the description, which have been corrected:

- at page 6, line 22 "suction" should be amended into *pressure*, and
- at page 6, line 24 "pressure" should be amended into *suction*.


The above amendments have been made to the specification.

In view of the above observations, it is believed that, with the present amendments, the reasons for rejection have been overcome. A Notice of Allowance is accordingly respectfully requested.

If any further fees are required by this communication which are not covered by an enclosed check, please charge such fees to our Deposit Account No. 16-0820, Order No. 31900US1.

Respectfully submitted,

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